

**BIGFORK LAND USE ADVISORY COMMITTEE**  
**Draft Minutes May 26, 2016**  
**4:00 PM Bethany Lutheran Church – Downstairs Meeting Room**

Chairwoman Susan Johnson called the meeting to order at 4:15 pm.

**Present:** Committee members John Bourquin, Susan Johnson, Joyce Mitchell, Lou McGuire, Jim Bonser and Shelley Gonzales. There were 81 members of the public, 3 members of Flathead Planning and Zoning and one member of the press.

The agenda was adopted (m/s, Mitchell/Bourquin, unanimous)

The minutes of the April 28, 2016 meeting were approved (m/s, Bourquin/Mitchell, unanimous)

**Administrator's Report and Announcements:** Sign-in sheets passed around. Planning and Zoning website announced for all documents regarding minutes, agendas and applications.

Website: [flathead.mt.gov/planning](http://flathead.mt.gov/planning) and zoning/documents.

**Public Comment:** There was no public comment

**Application: FCU-16-07 Michael Krachun 2010 Trust** - A request from Michael Krachun, for a conditional use permit for a 'Rifle Range' on property located within the Bigfork Zoning District and zones AG-40 (Agricultural). The subject property is located at 395 Echo Bay Trail and contains approximately 60.55 acres. The parcel can be legally described as Assessor's Tract 3A in Lot 5 of the Southeast Quarter of the Northwest Quarter of Section 6, Township 27 North, Range 19 West, P.M.M., Flathead County Montana.

**Staff Report:** Donna Valade presented the application stating that the zoning has an agricultural function and is appropriate for a rifle range with an approved Conditional Use Permit. There is a legal easement to the applicant's property. The road is gravel and the parking area dimensions are adequate for 3-5 cars per day.

Staff emphasized two points: 1. Access to the subject site on Echo Bay Trail is adequate for 3-5 cars per day. The easement serves 70 residential lots. The gravel road is only a single lane and subject to one way traffic in some areas. Access to the subject site will be regulated by a gate maintained by the property owner. 2. The site is safe as the rifle ranges are in a depression which would contain the use of weapons.

Staff also stated that there had been 10 written public comments received by the department at the time of the issuance of the staff report and 28 additional written reports received prior to the BLUAC meeting. Staff also stated that ammunition/shells would be sifted from the area and removed. Also, in 2011 and 2012 the subject property had experienced flooding. The gravel portion of Echo Bay Trail would be oiled annually to contain dust from traffic. The closest neighbor to the subject site is 500 feet away.

Q. Bonser: What type of guns would be used and the rifle range? A. Valade: Rifles, pistols....ask the applicant.

**Applicant Report:** Mr. Krachun stated that operation of the rifle range would be by appointment only. All type of guns would be used at the range and that he would rent out his machine guns for use by the customers.

Q. How many guns can be used? A. People can use their own guns or his guns.

Q. Johnson. How long are customer appointments? A. Up to 2 hours.

Q. Johnson. How many people would be shooting at one time? Q. Bonser. What type of ammunition will be used? A. The will be no exploding ammunitions.

Q. Mitchell. What is the longest range of weapons? A. The longest range is 100 yards. A 22 caliber rifle bullet can travel one mile.

Q. Johnson. What was your original intent for your property? A. Dog kennel or rifle range.

Q. Bonser. Will new people be trained? A. Yes

Q. Bourquin. Will you have certified range operators? A. Yes

Q. Johnson. What will be the time of operation? A. Year round, seven days a week, open an hour after sunrise and close an hour before sunset.

Q. Bonser. On May 31st, sunrise is 5:41 am which means you could have client appointments at 6:41 am. Will you have customers at that time. A. I won't start that early.

Q. Bonser. There is only fencing on one side of the property? A. Fencing was built only on my side of the property to keep the neighbors out.

Q. Can anyone get around the gate or fencing? A. A gate will be put up but there is no assurance that it will keep people off his private property.

Q. Mitchell. Were you aware of the subdivisions around your property? A. Yes. Mitchell stated the Conditional Use Permit is not guaranteed.

Q. Gonzales. If you have 5 appointments early in a day, will you have more in the afternoon/evening? A. No

Q. Who will monitor the activities of the rifle range for compliance with the conditions of the Conditional Use Permit?

A. Mussman of Planning and Zoning, this will be based on public complaint to Planning and Zoning.

**Public Agencies:** None

**Public Comment:**

Ceely Schaff. A machine gun bullet will travel 4 miles. on 4-3-16, 100 rounds were fired over 3 hours, she fears for her family. She stated that C-4 explosives have been shot. There have been multiple reports to the Sheriff's Office from uncontrolled automatic fire from machine guns.

Jean Rachubka. Complained about the noise. She did not know that she had encroached onto the applicant's property.

Vincent Grillo. What about the ricochets that are not contained? A. Mussman. The Sheriff's Department has signed off on the rifle range. What is the rationale for the size of the parking lot when only limited usage?

Greg Swell. Stated that he borders the applicant's property and he owns horses. He is concerned about them being frightened by the noise. He is concerned that there will be pollution of the drinking water from spent bullets and casings.

Tara Harbin. She is concerned about the Belterra residences as 13 more homes are going in increasing the density. She stated that it is irresponsible to think the shooting can be contained. The rifle range will devalue the residential properties.

Shirley Baer. Stated that there area should have two access and egress points. Questioned who does road maintenance and dust abatement? Stated that the County has control of the conditions. County could put the range underground, control time of operation, days of operation, safety control, bathrooms, type of ammunitions. The county has the final say on how the range will be operated.

Zack Greene. Controlling bullets is not possible. Will there be a range safety officer on site all the time? Shooting ranges are dirty and can affect water quality. Ricochets can come into his yard.

Paul Klapp. Stated he is a member of the Whitefish Rifle Cub and they modified their ranges to curtail errant shots. It was an expensive project.

Gene Strayhorn. Stated that no one wants to live by a simulated war zone. It is noisy and degrades property values. Quality of life must be maintained. He wants to enjoy his choice of rural life.

Jim Fagan. Asked if the County has received a Health and Safety insurance certificate for this activity. He is concerned about access safety, emergency protection and environmental impact. He asked if a report had been done and suggested that BLUAC should have all of these reports. He was also concerned about the impact on local wildlife.

Ray Springer. Owner of property north of subject on Blue Lake. As a Vietnam veteran his is experienced with automatic weapons and he wants solitude not noise. The range will decrease property values.

Lynn Keohe. States her property abuts the applicant's property. Her biggest concern is fire danger. Echo Bay Trail is not up to County specifications. Creston Fire Department has asked the road to be brought up to specifications. The area is a grizzly bear corridor.

Skip Williams. Purchased in the quiet Belterra subdivision for his family. With a rifle range there likely will be accidents from errant gun fire and double firing.

Jolene Smith. Stated she is a member of the Blue Lake HOA which has 17 residences and many are within 500 feet of the proposed range. Noise from the range will not be controlled by the County. We need disturbing the peace regulations. Committee member Mitchell stated that HOA covenants can control noise.

Jamy Landis. Represented nearby Big Sky Bible Camp and is concerned for the safety of his campers. The range could impact the future of his camp.

Wayne Grilly. Echo Lake has a noise ordinance of a maximum of 75 decibels.

Lee Helgeland. He stated he lives on the south side of Lake of the Woods and he is a member of the Bigfork Gun Club. He stated that it makes no sense to have a gun range in a residential area. He questioned the floodplain of Talmage Lake. He stated that the Bigfork Gun Club was closed for 3 weeks due to fire danger from potential ricochets off of berms and targets at the club.

Vince Gordon. There is a time and place for shooting but not in a residential area where safety is a concern.

Sandy Perry. Why is one person's property rights being considered over the entire community?

John Hartig. Stated Echo Bay Trail has single lane areas which is not great access. He is concerned for his children's safety. There has been no discussion on the percentage of traffic on Echo Bay Trail. Appointment Only usage of the rifle range will not limit traffic. He stated that noise from the gravel pit is not comparable to the noise from the range.

Bob Jellison. He stated that gun ownership is not the issue. The issue is the quiet enjoyment of one's property. On Mother's Day while enjoying his property, gunfire started.

Keith Perry. He stated that there should be a layout and design engineer certificate approving the construction and safety aspects of the range. Concerned about lead and chemicals in the soil from bullets. If the area floods, ground/surface water could be contaminated impacting fish and wildlife. Stated his concern about machine gun usage and an age limitation on its use. He is concerned that the business will not protect the public.

Terry Williams. Asked if exploding targets has been addressed in the staff report. A. Yes

Marilyn Wood. Cited the Bigfork Neighborhood Plan that neighborliness/community is a criteria for a Conditional Use Permit. She asked that the immediate impact on the neighborhood be considered.

Jamie Day. Concerned about the road condition and that it is narrow and winding, also the potential noise. He is concerned that one person is destroying the area for everyone. He also stated his concern that the community has to monitor the conditions of the Conditional Use Permit.

Carolyn Norton. Stated that there is a difference between hunting in the area and a rifle range. Concerned about the safety at the Boy Scout camp in the area. The rifle range would be a huge nuisance.

Jan Thompson. Asked if guns will be stored there. No from the applicant.

Ruby Dynneson. Asked what recourse does she have in her HOA within an area that does not have an HOA. She wanted to know how to protect her property rights.

**Staff Response:** None

**Applicant Response:** Mr. Krachun stated that drivers on Echo Bay Trail need to slow down. He does not encroach on other's property. He has turnouts on portions of the road on his property that will allow for safe ingress and egress. He will not allow exploding targets on the range. Mr. Krachun was asked if bullets can be controlled on his property and his reply was he was not sure. Bourquin asked Mr. Krachun if he would amend the hours of operation and he stated that he could start at 9 am.

Mussman asked the committee if we had adequate time to review the last packet of comments on the application. The committee replied yes.

**Committee Action:**

Committee addressed the seven Findings of Facts and made the following amendments and additions:

Finding of Fact #1 is amended as follows: The site appears suitable for the rifle range, but not for fully automatic weapons (added), because....remainder of #1 is unchanged.

Finding of Fact #2 is amended as follows: "fencing/screening" is removed from the first line. Added at the end of #2 is the following sentence: Fencing and screening is inadequate for public safety.

Finding of Fact #8 is added as follows: There is no consideration of citizen's concerns which include public safety, related to stray bullets leaving the subject's property, potential for wildfires, and safe traffic circulation.

Finding of Fact #9 is added as follows: There is no Environmental Impact Study regarding the protection of soil, ground water, drinking water, potential for lake contamination and for the protection of wildlife.

Committee addressed the Conditions of Approval and made the following amendments and additions:

Condition #3 is amended as follows: Fencing shall be installed on the property in compliance with Section 5.04 of the Flathead County Zoning Regulations.

Condition #14 is added as follows: The use of fully automatic weapons shall not be permitted.

Condition #15 is added as follows: Hours of operation shall be limited to a starting time of no earlier than 9 a.m. and closing no later than 5 p.m. with operations limited to Monday through Saturday.

Condition #16 is added as follows: A study should be made to address those safety concerns stated in Finding of Fact #8.

Condition #17 is added as follows: An Environmental Impact Study shall be made to address the issues stated in Finding of Fact #9.

A motion to adopt Findings of Facts, as amended, was made by Mitchell and seconded by Bourquin. Motion passed unanimously.

A motion to adopt Conditions of Approval, as amended, was made by McGuire and seconded by Mitchell. Motion passed unanimously.

Mitchell moved to forward a recommendation to the Board of Adjustment to deny FCU-16-07, motion seconded by Bourquin.

**Committee Discussion:**

Mitchell stated that the adjoining residential properties were developed and that the rifle range would cause those properties to be devalued. The rifle range would create an adverse material fact and would require full disclosure to all potential property buyers. The proposed commercial activity would impact the road maintenance for the residential neighbors. The applicant cannot guarantee ricochet bullets would not create the potential for wildfire. The rifle range could create a poisoning of the environment and wildlife. Mitchell quoted the Bigfork Neighborhood Plan Goal 2, Policy 2.2, Alternative economic development should be supported but not to the detriment of the quiet enjoyment of the residents within the BPA. She also quoted Policy 12.3, Commercial and retail service activities should be cited to provide convenient, accessible services while minimizing their adverse impact on residential neighborhoods, and should be appropriate to the character of the neighborhood. She stated that the rifle range is inappropriate for this location.

Bourquin stated that fencing of the rifle range is mandatory and the noise issue is a problem. The residential neighbors were in the area first. He is concerned for the safety of the neighbors.

Bonser stated that the application is contrary to the Bigfork Neighborhood Plan and that the proposal lacks consideration for the neighbors and the community.

Johnson stated that the application is not consistent nor compatible for the surrounding area.

McGuire stated that the community input strongly influenced her decision.

**The committee voted unanimously to recommend denial of FCU-16-07**

**Old Business:** None

**New Business:**

A motion was made (m/s, Johnson/Bonser) to appoint Joyce Mitchell to fill the one year vacancy left by Al Johnson. The motion passed unanimously. The term will expire on May 31, 2017.

A motion was made (m/s, Mitchell/Gonzales) to appoint Lou McGuire as Member-at-Large. The motion passed unanimously. The term will expire on May 31, 2017.

A motion was made (m/s, McGuire/Johnson) to appoint Gwen Sutherland as secretary. The motion passed unanimously. The term will expire on May 31, 2017.

A motion was made (m/s, Gonzales/Bourquin) to elect Susan Johnson as chairwoman. The motion passed unanimously. The term will expire on May 31, 2017.

A motion was made (m/s, McGuire/Gonzales) to elect Joyce Mitchell as vice-chairwoman. The motion passed unanimously. The term will expire on May 31, 2017.

Jerry Sorensen was acknowledged as a new committee member effective June 1, 2016. His term expires May 31, 2019.

The committee briefly discussed how to recruit future committee members. It was suggested that members utilize other community events, such as Bigfork Bridge and Sundowner to generate interest in BLUAC.

Meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Shelley Gonzales  
(in place of Gwen Sutherland, Secretary)